

### **REMARKS/ARGUMENTS**

The Office Action of January 11, 2010, has been carefully reviewed and these remarks are responsive thereto. Claims 3 and 4 were canceled previously without prejudice or disclaimer. Claim 6 has been canceled in the present paper without prejudice or disclaimer. No new matter has been added. Claims 1, 2, 5, and 7-31 remain pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

As a preliminary matter, a number of the claims have been amended in the present paper merely to present the subject matter recited therein in a more preferred form.

#### **Rejections Under 35 U.S.C. § 112**

Claim 31 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Claim 29 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. These rejections are traversed below.

The Examiner contends that the specification at page 20, lines 17-25 fails to support the recitation of a “sequence which appears periodically in the at least one part of the respective message prior to compression.” Applicant respectfully disagrees. The cited passage (illustratively) provides that “[t]he message encoded in this way is compressed on-memory using a compression method based on the acknowledgment of a recurrent sequence . . .” To supplement the cited support further, the subsequent paragraph (page 20, lines 26-28) describes that “[t]his occurs in a step indicated by reference 104 to obtain a compressed data unit which is ready for transmission in step 106.” Thus, it is clear based on the specification that the compressed data unit is obtained based on the acknowledgment of a recurrent (e.g., periodic) sequence, and thus, that recurrent sequence exists prior to the compression because step 104 is used to obtain the compressed data unit of step 106.

In the event that the Examiner maintains a section 112, first paragraph rejection of claim 31, Applicant respectfully requests the Examiner to specify what specific term(s) is/are not allegedly supported in order to provide Applicant with a more substantive basis for responding. Applicant submits that claim 31 is supported by the specification when read as a whole, in

addition to the specific passages cited above. Accordingly, Applicant requests withdrawal of the section 112, first paragraph rejection of claim 31.

Amended claim 29 is affirmatively directed to a system. Based on the amendments to claim 29, withdrawal of the section 112, second paragraph rejection is requested.

**Rejections Under 35 U.S.C. § 101**

Claim 29 stands rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant traverses. Nonetheless, in view of the amendments to claim 29, withdrawal of the section 101 rejection is respectfully requested.

**Rejections Under 35 U.S.C. § 103**

Claims 1, 5, 7, 8, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. pat. no. 5,651,006 to Fujino et al. ("Fujino") in view of U.S. pat. no. 6,519,635 to Champlin et al. ("Champlin"). Claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino and Champlin in view of U.S. pat. no. 5,438,614 to Rozman et al. ("Rozman"). Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino and Champlin in view of U.S. pat. no. 6,639,893 to Chikenji et al. ("Chikenji"). Claims 9-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino and Champlin, in view of U.S. pat. no. 6,044,468 to Osmond ("Osmond"). Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino and Champlin, in view of Osmond and U.S. pat. no. 6,882,637 to Le et al. ("Le"). Claim 31 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Champlin, Osmond, Le, and further in view of U.S. pub. no. 2002/0083205 to Leon et al. ("Leon"). Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Champlin, Osmond, Le, and further in view of U.S. pat. no. 6,236,341 to Dorward et al. ("Dorward"). Claims 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Champlin, Rozman, and further in view of U.S. pat. no. 6,032,197 to Birdwell et al. ("Birdwell"). Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Champlin, Osmond, and further in view of U.S. pat. no. 6,539,540 to Noy et al. ("Noy"). Claims 21, 22, and 25-27 stand rejected under 35 U.S.C. §

103(a) as being unpatentable over Fujino, Osmond, Champlin, and further in view of U.S. pub. no. 2002/0052946 to Yoshino (“Yoshino”) and Noy. Claims 23 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Osmond, Champlin, Yoshino, Noy, and further in view of U.S. pub. no. 2001/0044822 to Nishio (“Nishio”), U.S. pat. no. 6,421,425 to Bossi et al. (“Bossi”), and U.S. pub. no. 2002/0029228 to Rodriguez et al. (“Rodriguez”). Claim 28 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Fujino, Osmond, Champlin, Yoshino, Noy, and further in view of U.S. pub. no. 2002/0188708 to Takahashi et al. (“Takahashi”). These rejections are traversed.

Amended independent claim 1 recites “providing a plurality of intermediate objects configured to manage said at least one managed object according to a data set, said management activity being transformed into a set of results . . . concurrently managing said at least one managed object through said plurality of intermediate objects, to generate said set of results.”

The above-noted amendments recited in claim 1 are similar to features previously recited in now-canceled claim 6. Regarding the recitation of concurrent management of said at least one managed object through said plurality of intermediate objects, illustrative, non-limiting support is provided in the filed specification when read as a whole, and for example, at page 13, lines 22-25 and Figure 10 (describing agent B3 as being managed by one or more of hierarchic agents AG1 and AG2).

In the context of rejecting claim 6, the Office Action at page 8 indicates that Fujino may not teach or suggest features related to managing at least one managed object through a plurality of intermediate objects. The Office Action at page 8 contends that Chikenji at col. 46, lines 1-67 and Figures 33-34 describes managing at least one managed object through a plurality of intermediate objects. Even assuming (without admitting) that the cited passages of Chikenji could have been analogized to managing at least one managed object through a plurality of intermediate objects, the alleged management in Chikenji is not concurrent with respect to the supposed intermediate objects. Chikenji at col. 45, line 65 – col. 47, line 25 describes one of network management devices 100A and 100B (e.g., the alleged intermediate objects) operating as a current use system while the other of devices 100A and 100B operates as a spare system with respect to devices to be managed 110F, 111F, 112F, and 113F (e.g., the alleged at least one

managed object). Thus, the network system of Chikenji fails to teach or suggest devices 100A and 100B concurrently managing devices to be managed 110F, 111F, 112F, and 113F. Accordingly, notwithstanding whether a combination of Fujino and Chikenji would have been proper, such a combination fails to result in the above-noted features recited in amended claim 1. Claim 1 is distinguishable from Fujino and Chikenji for at least the foregoing reasons.

Amended claims 29 and 30 recite features similar to those described above with respect to claim 1, and are distinguishable from Fujino and Chikenji for at least similar reasons.

Notwithstanding whether any combination of Champlin, Fujino, and Chikenji would have been proper, Champlin fails to remedy the deficiencies of Champlin and Chikenji described above with respect to claims 1, 29, and 30. Claims 1, 29, and 30 are therefore distinguishable from those applied documents.

Claims 2, 5, 7-28, and 31 are distinguishable for at least the same reasons as their respective base claims, as the additional applied documents fail to remedy the deficiencies of Champlin, Fujino, and Chikenji described above (notwithstanding whether any such combination of applied documents would have been proper).

Appln. No.: 10/511,188  
Atty Docket No.: 007516.00001  
Response dated April 6, 2010  
Reply to Office Action of January 11, 2010

### **CONCLUSION**

If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,  
BANNER & WITCOFF, LTD.

Dated: April 6, 2010

By: /Mark E. Wilinski/  
Mark E. Wilinski  
Registration No. 63,230

1100 13<sup>th</sup> Street, N.W., Suite 1200  
Washington, D.C. 20005-4051  
Tel: (202) 824-3000  
Fax: (202) 824-3001